March 15, 2017

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Office of Pollution Prevention and Toxics
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460-0001

Re: Docket ID No. EPA-HQ-OPPT-2016-0736; Asbestos – Toxic Substances Control Act (TSCA) Review and Scoping

To Whom It May Concern:

The Chlorine Chemistry Division (CCD) of the American Chemistry Council[1] submits the enclosed information to inform the Environmental Protection Agency's (EPA) scope for its risk evaluation of asbestos pursuant to the Toxic Substances Control Act (TCSA), as amended by the Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA). CCD represents manufacturers of chlorine and caustic soda who depend on chrysotile asbestos[2] for a significant percentage of their production. The chlor-alkali industry directly produces $129 billion in economic output in the United States every year.

In November 2016, EPA identified asbestos as one of the initial 10 chemicals to be subject to risk evaluation under the requirements of Section 6 of TSCA, as amended. EPA must publish by June 2017 a scope of the risk evaluation to be conducted for asbestos, which according to Section 6(b)(4)(D) should include "the hazards, exposures, conditions of use, and potentially exposed or susceptible subpopulations" EPA expects to consider. EPA has already conducted a TSCA review that determined the chlor-alkali industry's use of an asbestos diaphragm did not present an unreasonable risk.[3]

[1] The Chlorine Chemistry Division represents major producers and users of chlorine in North America. The Division works to promote and protect the sustainability of chlorine chemistry processes, products and applications in accordance with the principles of Responsible Care®.

[2] EPA's definition of asbestos includes all six types of asbestos minerals which are characterized as long, thin fibrous crystals.

[3] In the 1989 asbestos rule, the Agency stated "EPA has not found that [asbestos diaphragms] pose an unreasonable risk of injury to human health under the criteria of TSCA section 6." See *Asbestos: Manufacture, Importation, Processing, and Distribution in Commerce Prohibitions; Final Rule*, 54 Fed. Reg. 29,460 (July 12, 1989) at 29500.

CCD has prepared the enclosed information to describe how existing regulations and work practices provide redundant health, safety and environmental protections. Additionally, we respectfully request that EPA shape the asbestos scope to recognize –

- The Agency's previous finding regarding the use of asbestos in the chlor-alkali process;
- the regulations already in place to protect human health and the environment;[4] and
- the limited and confined application of asbestos in the chlor-alkali manufacturing process.

Incorporating previous findings, existing regulations and data will allow EPA to meet the tight statutory deadlines and the requirements of Section 26 of the LCSA for best available science, weight of evidence and transparency.

Use of Chrysotile Asbestos by the Chlor-Alkali Industry

Chrysotile asbestos is used at chlor-alkali manufacturing facilities that employ the diaphragm cell process, which involves the separation of the sodium and chlorine molecules of salt via electricity. The electrolytic separation occurs within an electrolytic cell containing two compartments separated by a permeable diaphragm, which is made mostly of chrysotile asbestos. The diaphragm prevents the reaction of the caustic soda with the chlorine and allows for the separation of both materials for further processing. As illustrated in the enclosed infographic and further explained in the enclosed narrative summary, the chrysotile asbestos used at chlor-alkali facilities arrives in the United States in secured, sealed containers, is stored in controlled areas, processed with dedicated equipment by trained workers, and disposed of in accordance with Federal, State and local requirements. Throughout the process, a framework of engineering technologies, management practices, and personal protective equipment (PPE) are employed to ensure worker safety.

Worker safety is paramount in the management of chrysotile asbestos and nowhere in the chlor-alkali process does a person come into direct contact with dry material. CCD estimates that about 100 workers industry-wide across the U.S. process chrysotile asbestos on a day-to-day basis. Specific training, PPE and work practices guide how they conduct their work activities. In addition to PPE, the workplace is monitored for chrysotile asbestos and workers are afforded specific medical monitoring and surveillance. These activities, coupled with

[4] Occupational Safety and Health Administration (OSHA). *Standard for Toxic and Hazardous Substances, Asbestos* (29 CFR § 1910.1001); EPA. *National Emission Standard for Hazardous Air Pollutants ("NESHAP"), National Emission Standard for Asbestos* (40 CFR § 61.140); and *Toxic Substances Control Act, Asbestos* (40 CFR § 763), *Asbestos Worker Protection* (Subpart G) and *Prohibition on the Manufacture, Importation, Processing, and Distribution in Commerce of Certain Asbestos-Containing Products; Labeling Requirements* (Subpart F).

equipment maintenance and management of the workplace environment, form an overall comprehensive asbestos management program that is specifically aimed at eliminating any potential exposure to chrysotile asbestos by workers and the environment.

Industry Monitoring

Chlor-alkali manufacturers routinely monitor chrysotile asbestos levels in the area of the facility dedicated to chrysotile asbestos handling and conduct periodic medical monitoring of employees who have access to this restricted area in accordance with OSHA's asbestos standard.[5] All facilities comply with NESHAP regulations to ensure that their chrysotile asbestos handling does not impact the environment, including HEPA filtration on the exhaust from the glove box used to handle dry chrysotile asbestos and monitor the filtered exhaust for chrysotile asbestos. All waste materials that may contain chrysotile asbestos (*e.g.*, used diaphragms, empty bags, used HEPA filters, and contaminated clothing) are handled in accordance with Federal NESHAP regulations and State solid and hazardous waste requirements and sent to an approved landfill for disposal.

Thank you for the opportunity to submit this information to the docket. Please feel free to contact me at judith_nordgren@americanchemistry.com or at 202.249.6709 if you have any questions about the enclosed materials or require additional information.

Sincerely,

Judith Nordgren

Judith Nordgren
Managing Director
Chlorine Chemistry Division

Enclosures: A: Infographic – Chlor-Alkali Process Controls and Protections
B: Asbestos Controls in the Chlor-Alkali Manufacturing Process
C: Overview of Monitoring Data and PPE Requirements

[5] 29 CFR § 1910.1001.